

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 15, 2006

DIVISION ONE

B188390 Kensie (Not for Publication)

V.

Superior Court, Los Angeles County
(The People, r.p.i.)

The Court:

Therefore, let a peremptory writ issue, commanding respondent superior court to vacate its order of September 30, 2005, in Los Angeles Superior Court case No. VA058581, entitled *People v. Kevin Jermaine Kensie*, denying petitioner's motion to dismiss the prosecution for claimed violation of his speedy trial rights, and (1) issue a new order, postponing the ruling on the motion until trial is completed; or (2) reopen the matter to permit petitioner to testify and permit the People to present evidence to counter petitioner's evidence regarding prejudice, and then (a) rule on the motion, or (b) postpone ruling on the motion until trial is completed. In all other respects, the petition is denied.

Spencer, P.J. Vogel (Miriam A.), J. Rothschild, J.

DIVISION THREE

Court convened at 9:30 a.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

DIVISION THREE (Continued)

Each of the following:

B176764 People v. Rivas
B178292 People v. Pittman
B183546 People v. Ingram
B186078 Regan v. Office of Administrative Hearings, et al.

Argument waived, cause submitted.

B176782 People
 v.
 Wood

Merits:

Argued by Sharon Fleming for appellant and by Steven Mercer, Deputy Attorney General for respondent. Cause submitted.

B181449 Pocino
 v.
 Jostens, Inc.

Merits:

Argued by R. Duane Westrup for appellant and by Daniel G. Swanson for respondent. Cause submitted.

B177920 Santos
 v.
 Mitchell-Young, et al.

Merits:

Argued by Patricia Santos, appellant in propria persona and by Anita Brenner for respondents. Cause submitted.

March 15, 2006 (Continued)

DIVISION THREE (Continued)

B177747 Morgan, Lewis & Bockius, LLP
 v.
 Cassady

Merits:

Argued by Salvatore Picariello for appellant and by Marc Poster for respondent. Cause submitted.

Court recessed at 11:25 a.m.

Court reconvened at 1:30 p.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B184073 Children and Family Services v. Marili V.
B187240 Children and Family Services v. Luis G.
B185922 People v. McCaskill
B182382 People v. Chamale
B182762 People v. Myers

Argument waived, cause submitted.

B165657 People
 v.
 Rhinehardt

Merits:

Argued by Neil Rosenbaum for appellant. Argument waived by the respondent. Cause submitted.

DIVISION THREE (Continued)

B180098 People
 v.
 Barrillas

Merits:
Argued by Kevin D. Sheehy for appellant and by Lisa Brault, Deputy
Attorney General for respondent. Cause submitted.

B173622 Turner
 v.
 Chevron USA

Merits:
Argued by Ralph Metzger for appellant and by Lawrence Riff for
respondent. Supplemental letter brief due by the respondent on March 22,
2006, reply is due by the appellant on March 29, 2006. Submission
deferred.

B184547 Zavala
 v.
 Scott Brothers Dairy, Inc.

Merits:
Argued by Marc D. Roberts for appellant and by Douglas N. Silverstein for
respondent. Cause submitted.

Court adjourned.

B179039 Leslie Ann Evans (Not for Publication)
 v.
 Robert Evans

The judgment is affirmed. Respondent(s) to recover costs.

Croskey, J.

We concur: Klein, P.J.
 Aldrich, J.

March 15, 2006 (Continued)

DIVISION THREE (Continued)

B184608 Farmers Insurance Exchange (Certified for Publication)
B184610 v.
Superior Court of Los Angeles County (Douglas Ryan)

The insurers' petitions for writ of mandate are granted. Let a peremptory writ of mandate issue directing the superior court to vacate its orders of May 24, 2005 (LASC NO. BC297437), and June 15, 2005 (LASC NO. BC266219), and enter a new order in each action granting judgment on the pleadings without leave to amend. The insurers are entitled to recover their costs in these writ proceedings.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

DIVISION FOUR

B161058 Ostoposides
v.
Glimp, M.D. et al.

Filed order denying petition for rehearing.

DIVISION FIVE

B179610 People (Not for Publication)
v.
Robert Jones, et al

The convictions under count 1 are reduced to the lesser included offense of false imprisonment by violence. The matter is remanded for resentencing on all counts. The judgments of conviction are affirmed in all other respects.

Turner, P.J.

We concur: Armstrong, J.
Kriegler, J.

March 15, 2006 (Continued)

DIVISION FIVE (Continued)

B184442 People (Not for Publication)

V.

Mary Anthony Little

The judgment is affirmed.

Kriegler, J.

We concur: Turner, P.J.

Armstrong, J.

B185344 Los Angeles County, D.C.S. (Not for Publication)

V.

Suzanne W.

In re Glenn W.

The judgment is affirmed.

Kriegler, J.

We concur: Armstrong, Acting P.J.

Mosk, J.

B178736 James Stein et al (Not for Publication)

V.

The Walt Disney Company et al

The judgment is affirmed. Respondent(s) to recover costs.

Kriegler, J.

I concur: Turner, P.J.

I dissent: Mosk, J. (Opinion)

DIVISION FIVE (Continued)

B184243 Los Angeles County, D.C.S. (Not for Publication)

v.

David Brockway

In re Tina V.

The judgment is reversed. Appellant to recover costs.

Mosk, J.

We concur: Armstrong, Acting P.J.

Kriegler, J.

B179022 Zengen, Inc. (Not for Publication)

v.

Comercia Bank

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, Acting P.J.

I concur: Kriegler, J.

I Concur & Dissent: Mosk, J.

DIVISION SIX

B180882 People (Not for Publication)

v.

Davis

We reverse and remand for further proceedings.

Gilbert, P.J.

We concur: Yegan, J.

Coffee, J.

March 15, 2006 (Continued)

DIVISION SIX (Continued)

B185371 Steinberg (Not for Publication)
v.
Hultman

The judgment (order denying motion to strike voluntary dismissal without prejudice) is affirmed. The parties shall bear their own costs on appeal.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

B180596 Stazzoni (Not for Publication)
v.
American Employers Group, Inc.

The order denying AEG's petition to compel arbitration is affirmed. Costs to respondent.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

B185174 Child Protective Services (Not for Publication)
v.
Deneane H.,

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

March 15, 2006 (Continued)

DIVISION SEVEN

B185237 People (Not for Publication)
v.
Castaneda

The appeal is dismissed.

Woods, J.

We concur: Perluss, P.J.
Zelon, J.

B180688 People (Not for Publication)
v.
Dwayne C.

The judgment is affirmed.

Woods, J.

We concur: Perluss, P.J.
Zelon, J.

DIVISION EIGHT

B180430 People (Not for Publication)
v.
Cruz

The abstract of judgment is ordered modified to reflect 540 days of presentence custody credit comprised of 470 days of actual custody credit and 70 days of conduct credit. The trial court is directed to forward an amended abstract of judgment to the Department of Corrections. In all other respects, the judgment is affirmed.

Rubin, J.

We concur: Cooper, P.J.
Boland, J.